

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:08CR345
vs.)
LAZARO MEDINA-AYON and) ORDER
SERGIO PENA-ZAVALA,)
Defendants.)

This matter is before the court on the motion for an extension of time by defendant Lazaro Medina-Ayon (Medina-Ayon) (Filing No. 23). Medina seeks an additional twenty days in which to file pretrial motions in accordance with the progression order (Filing No. 17). Medina-Ayon's counsel represents that Medina-Ayon will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and the pretrial motion deadline will be extended **as to all defendants**.

IT IS ORDERED:

Defendant Medina-Ayon's motion for an extension of time (Filing No. 23) is granted. **All defendants** are given until **on or before November 7, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 15, 2008 and November 7, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 15th day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge